

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**ROBERT FREEMAN,** )  
                                )  
                                )  
**Plaintiff,**              )  
                                )  
                                No. 3:12-cv-00990  
v.                             )  
                                )  
**SOUTHERN HEALTH**        )  
**PARTNERS, et al.,**        )  
                                )  
**Defendants.**             )  
                                )

**ORDER**

Plaintiff Robert Freeman, an inmate at the Sumner County Jail, proceeding *pro se* and *in forma pauperis*, has filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against Southern Health Partners.<sup>1</sup> On July 10, 2013, Defendant Southern Health Partners filed a motion for summary judgment. (Docket Entry No. 41). Plaintiff filed no response in opposition.

The Magistrate Judge entered a Report and Recommendation (“R & R”) (Docket Entry No. 52) in this case on August 29, 2013, concluding,

As an initial matter, Plaintiff is unable to sustain his claim against Defendant, as the company that oversees the provision of Jail healthcare, because § 1983 does not permit the imposition of liability based on *respondeat superior*, and it is undisputed that no policy or practice of Defendant caused Plaintiff injury. *Polk County v. Dodson*, 454 U.S. 312, 325 (1981). *See also, Monell v. Dep’t of Soc. Serv.*, 436 U.S. 658, 694 (1978); *Street v. Corrections Corp. of America*, 102 F.3d 810, 818 (6th Cir. 1996).

Moreover, Plaintiff is unable to sustain his claim against Defendant because he cannot establish that Defendant violated his constitutional rights . . . Because Plaintiff cannot establish Defendant violated his constitutional rights, Defendant is entitled to a judgment as a matter of law.

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<sup>1</sup> Defendant Sumner County, Tennessee was dismissed by previous Order entered on October 15, 2013. *See* (Docket Entry No. 56).

Therefore, the Magistrate Judge recommended that the motion for summary judgment “be GRANTED.” (*Id.* at 11). No objections were made to the R & R.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b). Having thoroughly reviewed the record in this case and the applicable law in accordance with Rule 72(b), the Court will accept the R & R.

Accordingly, the Court hereby rules as follows:

- (1) The Report and Recommendation (Docket Entry No. 52) is hereby ACCEPTED and APPROVED;
- (2) *Defendant Southern Health Partners’ Motion for Summary Judgment* (Docket Entry No. 41) is hereby GRANTED; and
- (3) This case is hereby DISMISSED WITH PREJUDICE.

The Clerk is directed to enter Judgment in a separate document in accordance with Federal Rule of Civil Procedure 58.

**It is SO ORDERED.**

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE